REMARKS

Claims 6, 8 – 12, 14 – 18, 23, 25 – 27, 29, 31, 39, 47, and 48 are pending in the present application. No claims have been amended, cancelled or added, leaving Claims 6, 8 – 12, 14 – 18, 23, 25 – 27, 29, 31, 39, 47, and 48 for consideration. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks and in light of the Petition pursuant to 37 C.F.R. §1.78 filed on February 8, 2007.

Obviousness Double Patenting

Claims 6, 8-12, 14-18, 23, 27, 29, 31, and 39 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over: Claims 1-37 copending Application No. 10/895,522 (U.S. Publication No. 2006/0017193), in view of U.S. Patent No. 6,720,386 to Gaggar et al. or Applicant's Admissions. Claims 11 – 12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over: Claims 1-37 copending Application No. 10/895,522 (U.S. Publication No. 2006/0017193); in view of Gaggar et al. or Applicant's Admissions, and further in view of U.S. Patent No. 6,780,917 to Hashimoto et al.

Since neither the present claims nor the claims of the copending Application No. 10/895,522, has been patented, there is no way that double patenting can be determined (nothing is patented and there is no way to compare the final claims until Application No. 10/895,522 has been patented and the present claims are otherwise allowable). As a result, currently there is no "double patenting" or even patenting. Hence, the Applicants respectfully request that the Examiner withdraw these obviousness double patenting rejections until the claims are in final form and otherwise in condition for allowance, and Application No. 10/895,522 is allowed. Until such time, there is no double patenting and no way to determine double patenting.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 6, 8-12, 14-18, 23, 27, 29, 31, and 39 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent No. 6,306,507 to Brunelle et al. (Brunelle '507) or U.S. Patent No. 6,265,522 to Brunelle et al. (Brunelle '522) or WO 00/61664 to Pickett et al., in view of U.S. Patent No. 6,720,386 to Gaggar et al. or Applicant's Admissions. Applicants respectfully

traverse this rejection. Although Applicants contend that it would not be obvious to combine these references as suggested in the Office Action, the specifics are not addressed herein since they are moot.

On February 8, 2007, Applicants filed a Petition pursuant to 37 C.F.R. §1.78 to correct the claim for priority in the present case. The Petition requests that the claim be corrected to claim the present application as a continuation-in-part of U.S. Patent No. 6,689,474, issued December 10, 2004. U.S. Patent No. 6,689,474 is a continuation-in-part of U.S. Patent Application 6,306,507, i.e., Brunelle et al. Additionally, Brunelle '522 is a divisional of Brunelle '507. Hence, Brunelle '507 predates Brunelle '522, and neither reference is a proper 35 U.S.C. §103 reference against the present application.

With respect to Pickett et al., this reference published October 19, 2000; over a year after the filing of Brunelle '507.

§103(c) states:

> Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Here, Brunelle '507, Pickett et al., and the present application (i.e., the subject matter and the claimed invention) were, at the time the invention was made subject to an obligation of assignment to General Electric Company. Hence, pursuant to 35 U.S.C. §103(c), Pickett et al. does not qualify as prior art.

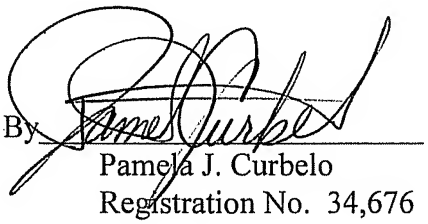
Reconsideration and withdrawal of this application are respectfully requested.

It is believed that the foregoing remarks in combination with the Petition pursuant to 37 C.F.R. §1.78, fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and withdrawal of the rejections and allowance of the case are respectfully requested.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 50-3621.

Respectfully submitted,

CANTOR COLBURN LLP

By 
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